

**To:** Christenson, Kara[Christenson.Kara@epa.gov]  
**From:** Huetteman, Tom  
**Sent:** Tue 4/26/2016 9:33:24 PM  
**Subject:** Re: Exide Responses updated

Agree. I read that our inspection "contributed to" as not meaning lead to the enforcement. Anyway, I'm fine with forever it is wordsmithed.

Tom Huetteman, Assistant Director  
Land Division, EPA Region 9  
415-972-3751

On Apr 26, 2016, at 5:28 PM, Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)> wrote:

Jessica and I just discussed on the phone. I was reacting to the statement that SCAQMD was "following up" on EPA's inspection – in fact, the opposite happened and I think SCAQMD would resent EPA implying that we initiated the enforcement.

**From:** Huetteman, Tom  
**Sent:** Tuesday, April 26, 2016 2:17 PM  
**To:** Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>; PerezSullivan, Margot <[PerezSullivan.Margot@epa.gov](mailto:PerezSullivan.Margot@epa.gov)>; Kao, Jessica <[Kao.Jessica@epa.gov](mailto:Kao.Jessica@epa.gov)>; Sugerman, Rebecca <[Sugerman.Rebecca@epa.gov](mailto:Sugerman.Rebecca@epa.gov)>  
**Cc:** Reyes, Deldi <[Reyes.Deldi@epa.gov](mailto:Reyes.Deldi@epa.gov)>  
**Subject:** RE: Exide Responses updated

It sounds like we were lending support which seems to me to fit with the idea that it contributed to the enforcement, but not by adding new violations.

Tom Huetteman, Assistant Director  
Land Division, USEPA Region 9  
415-972-3751

**From:** Christenson, Kara  
**Sent:** Tuesday, April 26, 2016 2:14 PM

**To:** Huetteman, Tom <[Huetteman.Tom@epa.gov](mailto:Huetteman.Tom@epa.gov)>; PerezSullivan, Margot <[PerezSullivan.Margot@epa.gov](mailto:PerezSullivan.Margot@epa.gov)>; Kao, Jessica <[Kao.Jessica@epa.gov](mailto:Kao.Jessica@epa.gov)>; Sugerman, Rebecca <[Sugerman.Rebecca@epa.gov](mailto:Sugerman.Rebecca@epa.gov)>  
**Cc:** Reyes, Deldi <[Reyes.Deldi@epa.gov](mailto:Reyes.Deldi@epa.gov)>  
**Subject:** RE: Exide Responses updated

The air district asked us to issue an NOV but had already taken many enforcement actions including several NOVs. The NOV we issued was exactly like the NOVs they had issued.

**From:** Huetteman, Tom  
**Sent:** Tuesday, April 26, 2016 2:12 PM  
**To:** Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>; PerezSullivan, Margot <[PerezSullivan.Margot@epa.gov](mailto:PerezSullivan.Margot@epa.gov)>; Kao, Jessica <[Kao.Jessica@epa.gov](mailto:Kao.Jessica@epa.gov)>; Sugerman, Rebecca <[Sugerman.Rebecca@epa.gov](mailto:Sugerman.Rebecca@epa.gov)>  
**Cc:** Reyes, Deldi <[Reyes.Deldi@epa.gov](mailto:Reyes.Deldi@epa.gov)>  
**Subject:** RE: Exide Responses updated

I thought we were asked to do an inspection by the air district.

Tom Huetteman, Assistant Director

Land Division, USEPA Region 9

415-972-3751

**From:** Christenson, Kara  
**Sent:** Tuesday, April 26, 2016 2:09 PM  
**To:** Huetteman, Tom <[Huetteman.Tom@epa.gov](mailto:Huetteman.Tom@epa.gov)>; PerezSullivan, Margot <[PerezSullivan.Margot@epa.gov](mailto:PerezSullivan.Margot@epa.gov)>; Kao, Jessica <[Kao.Jessica@epa.gov](mailto:Kao.Jessica@epa.gov)>; Sugerman, Rebecca <[Sugerman.Rebecca@epa.gov](mailto:Sugerman.Rebecca@epa.gov)>  
**Cc:** Reyes, Deldi <[Reyes.Deldi@epa.gov](mailto:Reyes.Deldi@epa.gov)>  
**Subject:** RE: Exide Responses updated

Hi --- EPA's CAA inspection did not contribute to follow up enforcement by SCAQMD –

SCAQMD was way ahead of us.

**From:** Huetteman, Tom  
**Sent:** Tuesday, April 26, 2016 2:00 PM  
**To:** PerezSullivan, Margot <[PerezSullivan.Margot@epa.gov](mailto:PerezSullivan.Margot@epa.gov)>; Kao, Jessica <[Kao.Jessica@epa.gov](mailto:Kao.Jessica@epa.gov)>; Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>; Sugerman, Rebecca <[Sugerman.Rebecca@epa.gov](mailto:Sugerman.Rebecca@epa.gov)>  
**Cc:** Reyes, Deldi <[Reyes.Deldi@epa.gov](mailto:Reyes.Deldi@epa.gov)>  
**Subject:** RE: Exide Responses updated

Looks good

Tom Huetteman, Assistant Director

Land Division, USEPA Region 9

415-972-3751

**From:** PerezSullivan, Margot  
**Sent:** Tuesday, April 26, 2016 1:52 PM  
**To:** Kao, Jessica <[Kao.Jessica@epa.gov](mailto:Kao.Jessica@epa.gov)>; Christenson, Kara <[Christenson.Kara@epa.gov](mailto:Christenson.Kara@epa.gov)>; Sugerman, Rebecca <[Sugerman.Rebecca@epa.gov](mailto:Sugerman.Rebecca@epa.gov)>; Huetteman, Tom <[Huetteman.Tom@epa.gov](mailto:Huetteman.Tom@epa.gov)>  
**Subject:** Exide Responses updated

**Hi Folks, I've spoken with Jessica. Based on her input, I've updated the responses as follows:**

**Is EPA satisfied with the state's oversight of this facility? Were any regulatory deficiencies identified or corrected? How has EPA increased its overall oversight of DTSC's RCRA program? Can you elaborate on how such changes will work to prevent similar outcomes at other facilities?**

DTSC is making comprehensive changes to its RCRA program to improve its effectiveness at Exide and across the state. EPA increased its oversight of DTSC's RCRA program in response to issues and challenges in the program. Some of the changes include increased review of proposed RCRA permits, more frequent regular engagement with DTSC on all elements of the RCRA program, and increased oversight of RCRA inspections and enforcement which also includes the role of the CUPA program.

**Was this specifically because of the Exide case?**

No

**Lastly, can you please describe or list the "enforcement responses" to which you refer?**

At Exide, EPA performed both air and RCRA inspections as well as a criminal investigation. As discussed elsewhere, these actions contributed to follow up enforcement by the South Coast Air Quality Management District and the eventual agreement to shut the facility.

**Did Exide pay any penalties paid for those violations? Have those USEPA citations been resolved or settled in any way?**

No. Since the facility is shut down, the NOV is considered resolved.

Margot Perez-Sullivan  
U.S. Environmental Protection Agency  
D: 415.947.4149

C: 415.412.1115

E: [perezsullivan.margot@epa.gov](mailto:perezsullivan.margot@epa.gov)

